REMARKS

The present application was filed on March 31, 2004 with claims 1 through 27. Claims 1 through 27 are presently pending in the above-identified patent application. Claims 1, 21 and 27 are proposed to be amended.

In the Office Action, the Examiner rejected claim 27 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter, rejected claims 1-3, 7, 9, 12-22, 25 and 27 under 35 U.S.C. §102(b) based upon a public use or sale of the invention, based on the P-Synch reference, and rejected claims 4-6, 8, 10, 11, 23, 24 and 26 under 35 U.S.C. §103(a) as being unpatentable over P-Synch in view of Netscape.

Section 101 Rejection

Claim 27 is rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. As noted by the Examiner, claim 27 is directed to an article of manufacture. As recited in claim 27, as amended the article of manufacture comprises one or more (novel) programs *on a machine readable storage medium*. Applicants submit that an article of manufacture is explicitly recognized by section 101 ("manufacture") and is in full compliance with *In re Warmerdam*, 31 USPQ2d 1754, 1759 (Fed. Cir. 1994). Applicants respectfully request withdrawal of the rejection under Section 101.

Section 102 Rejection of Independent Claims

Independent claims 1, 21 and 27 were rejected under 35 U.S.C. §102(b) as being anticipated by P-Synch. With regard to claims 1, 21 and 27, the Examiner asserts that P-Synch discloses a method, apparatus and article of manufacture for evaluating a password proposed by a user during an enrollment process, comprising: receiving said proposed password from said user (page 4); and ensuring that a correlation between said user and said proposed password does not violate one or more predefined correlation rules (citing rules on page 126).

As shown by the rules on page 126, P-Synch is performing a *table look-up* to ensure that one or more rules are not violated. For example, P-Synch ensures that a proposed password is not the user name or a variation thereof.

The present invention, on the other hand, ensures that a proposed password cannot be correlated with the user by performing an *Internet* search using a query containing one or more keywords derived from said proposed password; evaluating results of said search relative to one or more predefined thresholds; and rejecting said proposed password when said user is correlated with said proposed password if one or more of said predefined thresholds are exceeded by said results, as required by each independent claim, as amended. See, for example, Published Version of Application,

6

Pars. 40, 65, 74 and 81. In this manner, the present invention is said to ensure that the authentication information provided by a user is not easily obtained through an online search. See, Abstract.

Applicants respectfully request withdrawal of the rejection of the independent claims under Section 102.

Dependent Claims

Claims 2-20 and 22-26 are dependent on independent claims 1 and 21, respectively, and are therefore patentably distinguished over P-Synch and/or Netscape because of their dependency from independent claims 1 and 21 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

Conclusion

All of the pending claims following entry of the amendments, i.e., claims 1-27, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,

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